IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO.116 OF 204

IN

WRIT PETITION NO.1962 OF 2004

Mayur Sahakari Kukkut Palan Society Limited .. Appellant

Versus

Maharashtra State Electricity Board .. Respondent

Mr.M.A.Rane with Mr.Vishwanath S.Talkute for the appellant

Ms.A.R.S.Baxi for respondent

CORAM: A.P.SHAH & S.U.KAMDAR, JJ

DATED: 9TH SEPTEMBER, 2004

P.C.:

1. Heard advocates.

2. Perused the order of the learned single Judge.

3. We have heard the learned counsel for the parties at some length. We suggested to the appellant to pay atleast 50% of the arrears which

is also not acceptable to the appellant. The dues are more than Rs.2 crores. The learned single Judge after carefully examining the facts of the case has come to the conclusion that the appellant was not right in insisting to pay the electricity charges at the rate of 32 ps. which was the rate in 1992. The tariff has been revised thereafter from time to time. It is also the case of the M.S.E.B. that the user of the electricity is not confined to poultry farm and it is used for commercial and industrial purposes. In these circumstances, we are not inclined to entertain this appeal. Appeal is therefore dismissed.

4. The trial court is directed to expedite the hearing of the suits and dispose of all the 3 suits as early as possible and preferably within a period of 6 months from today.